

(g) Section 813 of the Housing and Community Development Act of 1974 (Pub. L. 93-383).

(h) Section 107 of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974).

(i) Title II of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974), except sections 204 and 205.

(j) Sections 804, insofar as it relates to 45 U.S.C. 744(e)(5); and 805, as applicable, of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210).

(k) Section 148 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280, 90 Stat. 425).

(l) The following sections of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599, 92 Stat. 2689): 155, 316, 320, and title IV, as amended (as it relates to matters within the primary responsibility of the Urban Mass Transportation Administrator).

(m) Section 601(d) of the Rail Passenger Service Act, as amended.

(n) Section 2 of Public Law 98-229, 98 Stat. 55, insofar as it relates to apportioning certain funds for Interstate substitute transit projects.

[Amdt. 1-157, 45 FR 83408, Dec. 18, 1980, as amended by Amdt. 1-168, 47 FR 16632, Apr. 19, 1982; Amdt. 1-180, 48 FR 15476, Apr. 11, 1983; Amdt. 1-187, 48 FR 52678, Nov. 21, 1983; Amdt. 1-191, 49 FR 6908, Feb. 24, 1984; Amdt. 1-203, 50 FR 30275, July 25, 1985]

#### **§ 1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.**

The Administrator of the Saint Lawrence Seaway Development Corporation is delegated authority to:

(a) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, 8, 12 and 13 of section 2 of the Port and Tanker Safety Act of 1978 (92 Stat. 1471) as they relate to the operation of the St. Lawrence Seaway.

(b) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to the St. Lawrence River.

(c) Carry out the functions vested in the Secretary by section 3(d) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(d)) as it relates to ships owned or operated by the Corporation

when engaged in noncommercial service.

(d)-(e) [Reserved]

[Amdt. 1-113, 40 FR 43901, Sept. 24, 1975, as amended by 45 FR 48630, July 21, 1980; Amdt. 1-167, 47 FR 11677, Mar. 18, 1982; 60 FR 38971, July 31, 1995; Amdt. 1-272, 60 FR 63450, Dec. 11, 1995; Amdt. 1-292, 63 FR 10782, Mar. 5, 1998]

#### **§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.**

*Administration.* The Administrator of the Research and Special Programs Administration is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

(a) *Pipelines.* (1) Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 *et seq.*).

(2) Mineral Leasing Act, as amended (Pub. L. 93-153, 30 U.S.C. 185).

(3) Deepwater Port Act of 1974 (Pub. L. 93-627, 33 U.S.C. 1501 *et seq.*) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation or maintenance of pipelines on Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

(4) Section 5 of the International Bridge Act of 1972 (Pub. L. 92-434, 33 U.S.C. 535) as it relates to pipelines not over navigable waterways.

(5) Hazardous Liquid Pipeline Safety Act of 1979, as amended (49 U.S.C. 2001 *et seq.*).

(6) Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*) as amended, with respect to establishment, enforcement and review of regulations concerning pipeline safety.

(7) Sections 4(a) and 5(c) of Executive Order 12316 of August 14, 1981 (46 FR 42237, August 20, 1981) (delegating sections 107(c)(1)(c) and 108(b), respectively, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1981, Pub. L. 96-510), insofar as they relate to pipelines.

(8) Section 7005 of the Consolidated Omnibus Budget Reconciliation Act of 1985, as it relates to pipeline safety user fees.

(b) *Hazardous materials.* Except as delegated by § 1.74:

(1) Carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b)

### § 1.53

and (c), 5122, 5123, and 5124 relating to investigations, records, inspections, penalties, and specific relief, with particular emphasis on the shipment of hazardous materials and the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of multi-modal containers that are represented, marked, certified, or sold for use in the transportation of hazardous materials; and

(2) Carry out the functions vested in the Secretary by all other provisions of the Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, except as delegated by §§1.46(t), 1.47(j)(2), 1.49(s)(2), and 1.73(d)(2).

(c) *Passenger and cargo security.* (1) Serve as the Department's point of contact in relationships with Government, state, regional, local and private groups and organizations in matters relative to the Department-wide program for enhancing the safety and security of passengers and cargo in transit.

(d) *Intermodal transport.* (1) Section 4(e) of the International Safe Container Act (Pub. L. 95-208, 91 Stat. 1475).

(2) [Reserved]

(e) *Emergency preparedness.* Carry out the functions related to emergency preparedness vested in the Secretary by 49 U.S.C. 101 and 301 or delegated to the Secretary by or through the Defense Production Act of 1950, 50 U.S.C. App. 2061 *et seq.*; Executive Order 10480, as amended; Executive Order 12148; Executive Order 12656; Executive Order 12742; Reorganization Plan No. 3 of 1978; and such other statutes, executive orders, and other directives as may pertain to emergency preparedness.

(f) *Working Capital Fund for Financing the Activities of the Transportation Systems Center.* (1) Section 207 of Public Law 96-254 (49 U.S.C. 1657(r)), authorizing the Secretary to establish a working capital fund for financing the activities of the Transportation Systems Center.

(2) [Reserved]

(g) [Reserved]

(h) *Science and technology.* (1) With respect to scientific and technological matters, serve as principal advisor to the Secretary and representative of the Department to the academic community, the private sector, professional

### 49 CFR Subtitle A (10-1-01 Edition)

organizations, and other Government agencies.

(2) Serve as principal liaison official for the Department of Transportation with the Office of Science and Technology Policy in the Executive Office of the President.

(3) Serve as Chairperson of the Department of Transportation's Research and Development Coordinating Council.

(4) Serve as Chairperson of the Department of Transportation Navigation Council.

(5) Serve as primary official responsible for coordination and oversight of the Department's implementation of section 2 of the Federal Technology Transfer Act of 1986 (Pub. L. No. 99-502; 15 U.S.C. 3710a), relating to the transfer of Federal technology to the marketplace.

(i) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, and 8 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

(j) Section 8 of the Independent Safety Board Act Amendments of 1990 (Pub. L. 101-641; 104 Stat. 4654 (49 app. U.S.C. 1804 note)).

(k)(1) Carry out the functions and exercise the authority delegated to the Secretary in Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges from, and to contain oil and hazardous substances in, pipelines, motor carriers, and railroads. (See 49 CFR 1.46 and 1.66.)

(2) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) relating to the issuance of regulations requiring the owners or operators of pipelines, motor carriers, and railroads, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to prepare and submit response plans, except as delegated in section 1.46(m). For pipelines subject to the Federal Water Pollution Control Act (33 U.S.C.

## Office of the Secretary of Transportation

## § 1.54

1321), this authority includes the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of pipelines to operate without approved response plans.

(1) University Grants Program. Sections 11(b) and 11(c) of the Federal Transit Act, as amended, 49 U.S.C. App. 1607c(b) and 1607c(c), except for the provisions in sections 11(b)(8)(b) and 11(b)(10).

[Amdt. 1-130, 43 FR 5516, Feb. 9, 1978]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.53, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

### § 1.54 Delegations to all Secretarial Officers.

(a) This section sets forth general delegations to the Deputy Secretary, the Deputy Under Secretary, the General Counsel, the Inspector General and the Assistant Secretaries.

(b) Each officer named in paragraph (a) of this section is delegated authority to:

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations, except as limited by law or specific administrative reservation, including authority to publish those redelegations in appendix A of this part.

(2) Authorize and approve official travel (except foreign travel) and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, the Office of the Secretary. This authority may be redelegated in accordance with regulations issued by the Assistant Secretary for Administration.

(3) Communicate directly with chairmen of Field Coordination Groups provided such communications are largely informational in character and do not conflict with program responsibilities of the operating administrations.

(4) Establish ad hoc committees for specific tasks within their assigned staff area.

(5) Establish, modify, extend, or terminate standing committees within their specific areas of responsibility when directed or authorized to do so by the Secretary.

(6) Designate members of interagency committees when such committees are specifically concerned with responsibilities of direct interest to their office.

(7) Exercise the following authorities with respect to executive level positions (GS-16, 17, or 18 or equivalent) within their respective areas of responsibility:

(i) Determine how executive level positions will be filled; i.e., by reassignment, promotion, appointment.

(ii) Establish selection criteria to be used in identifying eligible candidates.

(iii) Confer with the Administrators on selection criteria and candidates for an executive level position that is a counterpart of an activity or position in the Office of the Secretary.

(iv) Recommend final selection for executive level positions, subject to review by the Executive Committee of the Departmental Executive Personnel Board and approval by the Secretary and the Civil Service Commission.

(v) Serve as ad hoc member of the Departmental Executive Personnel Board at the call of the Chairman and serve on the Board's Executive Committee whenever matters involving their respective offices or a functional counterpart thereof in an operating administration are presented to the Executive Committee for its consideration.

(8) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to office directors or other comparable levels and to contracting officers.

(9) Administer and perform the functions described in their respective functional statements.

(10) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this